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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 WEDSON DEMORAIS,

No. C 12-3187 WHA (PR)

12 Petitioner,

ORDER OF DISMISSAL

13 vs.

14 TIM VERGA,

(Dkt. Nos. 5, 6)

15 Respondent.
16 _____/

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18 This pro se habeas action was filed on June 19, 2012. On that same day, petitioner was
19 notified that he had not filed a petition or a complaint, and that he had neither paid the filing fee
20 nor filed an application to proceed in forma pauperis ("IFP"). Copies of the court's form habeas
21 petition and form IFP application were provided with the notice along with a return envelope.
22 Petitioner was informed that if he did not file a petition or complaint and either pay the \$5.00
23 filing fee or file a completed IFP application within thirty days the case would be dismissed.
24 Along with the notices, he was mailed instructions for completing the forms, and a pre-paid
25 return envelope. Petitioner has submitted the form habeas petition but has simply indicated
26 "N/A" in the sections for him to describe his claims. In addition, his IFP application is
27 incomplete insofar as it does not include a certificate of funds form completed and signed by a
28 prison official as well as a statement of his prison trust account showing transactions for the last
six months. As more than three months have passed since the deficiency notice and Plaintiff
has neither filed a habeas petition setting forth any claims, nor has he paid the filing fee or filed


1 a completed IFP application, this case is **DISMISSED** without prejudice.

2 The incomplete IFP application (dkt. 5) is **DENIED**. The motion for transcripts of
3 proceedings that took place in state court (dkt. 6) is **DENIED**. Petitioner may seek the transcripts
4 from the courts in which the proceedings took place.

5 The clerk shall enter judgment and close this file.

6 **IT IS SO ORDERED.**

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8 Dated: October 9, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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